

REMARKS

The Examiner's Action dated February 7, 2005, has been received, and its contents carefully noted.

The indication of allowability of claim 7 is noted with appreciation.

In view of that indication, and in order to place the Application in *prima facie* allowable condition, claim 1 has been amended to include all of the subject matter of claims 6 and 7, claims 4 and 5 have been canceled and replaced by new independent claims 8 and 9 and claims 6 and 7 have been canceled in view of the addition of their subject matter to claim 1.

New claim 8 contains all of the subject matter of claims 1 and 5-7, and essential parts of claim 4. Claim 8 defines one tunable periodic filter (as shown in Figure 8) rather than the two filters of claim 4. Thus, claim 8 includes the recitations previously presented in claims 6 and 7.

New claim 9 includes all of the limitations of the previous version of claim 1, with two important additions: that the periodic filter for dropping or adding a group of optical wavelengths is tunable and that k is an integer ≥ 2 . Claim 9 also specifies that the optical wavelengths are members of an ITU-T grid. Support for the recitation relating

to an ITU grid will be found throughout the specification, one example being at page 11, second line from the bottom. The tunability of the filter is described in the paragraph between pages 18 and 19 of the specification.

Cao (US 6,370,296) and Delisle (US 5,692,076) both describe one and the same case of a periodic filter producing a group of diluted wavelengths spaced from one another by the step ks , wherein $k=2$ and s is the original step of the initial spectrum of wavelengths. They do not disclose a system having the capability of making $k>2$, and where the wavelengths of the initial spectrum are standard wavelengths of an ITU-T grid, recommended by standardized grids.

The claimed filter with wide spacing of channels in the group allows reliable separation of optical channels while adding/dropping, and is specifically proposed for optical channels forming a standardized grid (typically ITU grid).

Since the periodic filter is tunable, i.e. is capable of obtaining a selectable sub-spectrum of the group in a desired fashion (specification, page 7, last line, to page 8, line 1), it is not just an interleaver, but is adjustable to allow any spacing between the channels and any number of channels - members of the group, as described for example at page 18, last three lines, to page 19, line 2.

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As concerns the rejection of claim 6, it would appear that the secondary reference, Bailey, simply discloses a filter for adding or dropping a single selected wavelength. It would make no sense to replace a group filter with the Bailey filter because the latter cannot serve as a group filter.

Since independent claims 1 and 8 now in the Application contain all of the subject matter of the previous versions of claims 1, 6 and allowable 7, and new claim 9 clearly distinguishes over the prior art, it is submitted that all of the pending claims are now allowable.


Accordingly, it is requested that the prior rejections be reconsidered and withdrawn, that claims 1, 3, 8 and 9 be allowed, and that the Application be found in allowable condition.

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If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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